

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.) Criminal No. 14-00063-01-CR-W-DW
)
 JOSE FEDERICO ALMEIDA-OLIVAS,)
)
 Defendant.)

PENDING CHARGE: On March 19, 2014, the Grand Jury returned a two count indictment against Jose Federico Almeida-Olivas. Defendant is charged in Count 1 with conspiracy to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in an amount of five hundred grams or more, contrary to the provisions of Title 21, United States Code, Sections 841(a)(1), (b)(1)(A), and in Count 2 with knowingly and intentionally using a communications facility, to wit: a telephone, to facilitate the felonious distribution of methamphetamine, a Schedule II controlled substance, contrary to the provisions of Title 21, United States Code, Section 846.

Government: Joseph A. Marquez/Adam Caine
Case Agent: Brent Yoshikawa, Special Agent Department of Homeland Security
Defense: Cenobio Lozano, Jr.

Government: 8-9 without stipulations
Defendants: 1 possible witness, the defendant

Government: 53 exhibits
Defendant: 0 exhibits for defendant

1. Government's Notice of Intent to Offer Evidence Pursuant to Rule 404(b) (Doc. # 69)
2. Defendant's Supplemental Motion in Limine (doc. # 72)

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POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 3-4 days

Government's case including jury selection: 3-4 days

Defense case: ½ day or less

STIPULATIONS: Mr. Lozano will stipulate that the English translations of the Spanish audio recordings are accurate.

UNUSUAL QUESTIONS OF LAW: During the prosecutor's opening statement in the first trial, he referred to the case as a drug smuggling case. Defense counsel believes this mischaracterizes the case, and he will file a motion in limine seeking to prohibit the government from referring to this as a drug smuggling case. (Motion filed on December 21, 2015, doc. # 72) The Government will respond promptly.

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, December 23, 2015.

Please Note: Jury instructions must comply with Local Rule 51.1

TRIAL SETTING: Criminal jury trial docket set for January 4, 2016.

Please note: Counsel request the second week of the docket.

IT IS SO ORDERED.

/s/ Sarah W. Hays

SARAH W. HAYS

UNITED STATES MAGISTRATE JUDGE